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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,533	12/12/2003	Michael Skopec	R026 P00745-US1	2687
3017 7590 05/10/2007 BARLOW, JOSEPHS & HOLMES, LTD. 101 DYER STREET 5TH FLOOR PROVIDENCE, RI 02903			EXAMINER PANNALA, SATHYANARAYAN R	
			ART UNIT 2164	PAPER NUMBER
			MAIL DATE 05/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/735,533	Applicant(s) SKOPEC ET AL.	
	Examiner Sathyanarayan Pannala	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's Pre-Brief Appeal filed on 2/14/2007 in response to the Office Action has been entered. Based on the Pre-Brief Appeal conference decision, this application is reopened. In this non-final Office Action, claims 1-7 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (US Patent 6,493,711) hereinafter Chan, and in view of Nakayama et al. (US Patent 5,280,580) hereinafter Nakayama.

4. As per independent claim 1, Chan teaches a method and for use in a database management system for managing a database containing data and has storage for data in the database (col. 12, lines 14-19). Chan teaches the claimed, providing a database capable of having record data loaded therein (Fig. 3, 9a, col. 12, lines 35-40). Chan teaches the claimed, providing a computer's main memory (Fig. 3, col. 6, lines 38-43). Chan teaches the claimed, providing record data for loading into the database and the record data residing in the computer's main memory (Fig. 3, col. 6, lines 38-43). Chan teaches the claimed, invoking a coordinating program (Fig. 3, col. 6, lines 44-45). Chan teaches the claimed, invoking a load utility program that issues record data input requests, opens record data from external media and loads record data to the database therefrom and the load utility having a required syntax (Fig. 3, col. 12, lines 60-63).

Chan does not explicitly teach intercepting input data. However, Nakayama teaches the claimed, with the coordinating program, intercepting record data input requests from external media made by the load utility program (Fig. 3, col. lines 38-43). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combine the teachings of the cited references because Nakayama's teachings would have allowed Chan's method to provide an electronic interlocution system including a plurality of terminals or work stations each imparted

with a multi-window function and interconnected to one another and which system can enjoy much improved information service performance (col. 2, lines 26-31).

Chan teaches the claimed, replacing the record data input request from external media with record data input requests from the computer's main memory (Fig. 9b, 11, col. 13, lines 42-49). Chan teaches the claimed, inserting record data from the computer's main memory directly into the database by the load utility and whereby delays encountered by reading of input files on the external media by the load utility is avoided (Fig. 3, 11, col. 6, lines 38-43 and col. 13, lines 45-49).

5. As per dependent claim 2, Chan teaches the claimed, providing an application data section in the computer's main memory and providing an input buffer section in the computer's main memory (Fig. 3, col. 6, lines 38-50).

6. As per dependent claim 3-4, Chan teaches the claimed, providing record data in the application data memory section, moving record data in the application data section to the input buffer section of the computer's main memory by the load utility and inserting record data from the input buffer section of the computer's main memory directly into the database (Fig. 3, col. 6, lines 38-50, col. 17, line 66 to col. 18, line 4).

7. As per dependent claim 5, Chan teaches the claimed, providing an operating system and access method for the record data, providing a default input routine by the access method for the operating system and replacing the default input routine provided

by the operating system's access method with an optimized input routine (Fig. 1, col. 4, lines 4-17).

8. As per dependent claim 6, Chan teaches the claimed, the step of replacing the input routine provided by the operating system's access method further comprises: formatting the record data to the syntax required by the load utility and moving formatted record data from the application data memory section to the input buffer section for later processing by the load utility (Fig. 1, col. 4, lines 8-12).

9. As per dependent claim 7, Chan teaches the claimed, the step of replacing the input routine provided by the operating system's access method further comprises: formatting the record data to the syntax required by the load utility and copying formatted record data from the application data memory section to the input buffer section for later processing by the load utility (Fig. 1, col. 4, lines 8-12).

Response to Arguments

10. Applicant's arguments filed on 2/14/2007 have been fully considered but they are moot in view of the new ground(s) of rejection.

a) Applicant's argument stated as "Chan discloses prior art methods of bulk loading of data into databases,..." (see page 3, paragraph fifth).

In response to applicant's argument, examiner respectfully disagrees because Applicant did not discuss about the specific method in the current invention. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

b) Applicant's argument stated as "Chan does not disclose the use of a separate coordinating program which intercepts data input requests made by the load utility program."

In response to applicant's argument, examiner respectfully informs Applicant that the new reference teaches control program to intercept input data.

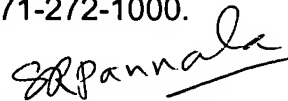
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sathyanarayan Pannala
Primary Examiner

srp
May 8, 2007